

## 2023 South Dakota Legislature

**House Bill 1133****AMENDMENT 1133A  
FOR THE INTRODUCED BILL**

1 **An Act to define a commodity for the purpose of qualifying as a common carrier.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 49-7-11 be AMENDED:**

4 **49-7-11.** All ~~pipelines~~companies holding themselves out to the general public as  
5 being engaged in the business of transporting commodities for hire, by pipeline, are  
6 common carriers and are not subject to ~~the provisions of Title 49, this title,~~ except as  
7 provided by this chapter and chapter 49-41B.

8 ~~Notwithstanding the provisions of this section, a company transporting carbon~~  
9 ~~dioxide, by pipeline, is not a common carrier.~~

10 ~~For purposes of this section, the term, commodity, means a product that is~~  
11 ~~intended for commerce and is being transported to a point of distribution, consumption,~~  
12 ~~or processing, within or outside of this state. The term does not include a product that is~~  
13 ~~disposed of in geological storage or used in a manner that allows its owner, shipper, or~~  
14 ~~the shipper's customer to qualify for a tax credit or a direct payment, pursuant to 26~~  
15 ~~U.S.C. § 45Q.~~

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